

# **EXHIBIT 3**



Office of Attorney General  
Edmund G. Brown Jr.

December 19, 2008

**VIA EMAIL**

Bureau of  
Medi-Cal Fraud  
and Elder Abuse

Michael J. Gallagher, Esq.  
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San Diego, CA 92108

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Re: State of California, ex rel. Ven-A-Care of the Florida Keys, Inc. v. Abbott Labs, Inc. et al.  
Case No. 01-12257

Dear Mr. Gallagher:

In response to your letter of November 13, 2008 (containing your response to California's request for a Fed. R. Civ. P. 30(b)(6) deposition of Sandoz, Inc.), please be advised of the following. Procedurally, under CMO 31G you were obligated to provide us no later than 30 calendar days from receiving our request for the deposition, with the identity of Sandoz's designated witness(es) and proposed dates for the deposition, along with the your objections to the topics, if any. Although you provided us with your objections, you have failed to provide us with a designated witness and proposed dates.

Regarding the objections contained in your letter, and although in the spirit of cooperation we are willing to speak with you regarding your concerns, we do not believe that your boilerplate objections are well taken, nor are they sufficient by any interpretation to prevent the State from engaging in authorized discovery in this matter.

As you are aware, CMO 31, as recently revised, specifies that all depositions of defendants must be completed by February 29, 2009. Demand is therefore made upon Sandoz to comply with CMO 31 and to immediately provide us with the identity of its designated witness(es) and proposed dates for the deposition. Please provide us with that information no later than December 31, 2008.

Sincerely,

Steven U. Ross  
Deputy Attorney General III  
Bureau of Medi-Cal Fraud and Elder Abuse

For EDMUND G. BROWN JR.  
Attorney General

SUR/agl

cc: Nicholas N. Paul/SDAG

## **Steven Ross - Sandoz 30(b)(6) deposition**

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**From:** Steven Ross  
**To:** Brian Bank; Michael J. Gallagher; Wayne A Cross  
**Date:** 12/19/2008 12:28 PM  
**Subject:** Sandoz 30(b)(6) deposition  
**CC:** Nicholas Paul  
**Attachments:** Sandoz 12.19.08.wpd

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Please see attached letter.

Steven U. Ross  
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